

REMARKS

Claim 7 was previously rejected under §102 based on the reference to Shanks. Claim 7 has been amended to include the subject matter of former dependent claim 8. Claim 8 was rejected under §103 over the combination of Shanks and Gordon.

In the Office Action it was suggested that Gordon discloses the use of spacers. However, in Gordon, the spacers are for a very different purpose which would have no applicability to the present invention or to Shanks. In Gordon, so called antifuses are being formed. As explained in col. 1, lines 48 etc., an antifuse is a structure which when unprogrammed does not electrically couple its first and second terminals, but which, when programmed by applying sufficient voltage between the first and second terminals, permanently electrically connects the first and second terminals.

As shown in Fig. 2 of Gordon, a problem that occurs is that a conductive filament may be formed from a corner 230 through the amorphous silicon 25 to a contact corner 220a. Because the oxide 20 and the filament 210 have significantly different thermal expansion coefficients, thermal stress results which can cause the conductive filament to crack and become non-conductive leading to circuit failure. *See* col. 2, lines 63-67.

To overcome this problem, dielectric spacers cover the corner portions 230 of the amorphous silicon 25 so that the conductive filament forms further away from the via sidewalls. *See* col. 3, lines 1-4.

Thus, it is apparent that the inclusion of sidewall spacers is to redirect the location of the conductive filament. However Shanks has nothing to do with any process that would form conductive filaments. Thus, there would be no rationale to use sidewall spacers in Shanks.

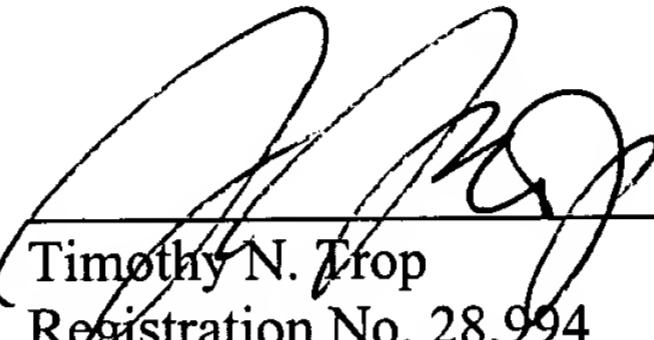
Further Shanks would not even have the arrangement of corners shown in Gordon that would create the conductive filaments in the wrong place in the first instance.

Therefore, there is simply no rationale to combine Shanks and Gordon. The combination is merely the result of hindsight reasoning.

Therefore, a *prima facie* rejection is not made out and reconsideration of the rejection of amend claim 7 is respectfully requested.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,



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